

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

In re:

DWAYNE PAUL BRIDGES AND
DANA MICHELLE BRIDGES

Debtors.

Chapter 7

Case No. 19-44181-elm7

KAPITUS SERVICING INC.

Plaintiff,

v.

DWAYNE PAUL BRIDGES

Defendant.

Adv. Pro. No. 20-04009-elm

STIPULATION AND AGREED SCHEDULING ORDER

Due to impacts and concerns related to coronavirus and COVID-19, the parties hereto seek to abate this proceeding for sixty days. In connection with the foregoing, the parties hereto stipulate to and request entry of this Stipulation and Agreed Scheduling Order and seek to have the docket call rescheduled for a date that is on or about September 1, 2020.

The Court, having considered the contents and merits of this Stipulation and Agreed Scheduling Order and the parties' agreement thereto, as evidenced by their signatures below, is of the opinion that this Order should be GRANTED.

IT IS THEREFORE ORDERED that each of the dates set forth below in this Agreed Scheduling Order shall serve as the deadlines for this case:

1. **DOCKET CALL.** Docket call for trial will commence on September 1, 2020 at 1:30 p.m. (CT).
2. **HEARING ON MOTION TO DISMISS:** The hearing currently scheduled for April 8, 2020 at 1:30 p.m. will be continued to a date in May 2020 or such other date and time as determined by the Court.
3. **INITIAL DISCLOSURES.** All parties shall exchange initial disclosures on or before June 4, 2020 pursuant to Fed. R. Bankr. P. 7026(a).
4. **DISCOVERY.** Discovery must be completed forty-five (45) days prior to Docket Call.
5. **EXPERT LIST.** The names and addresses of experts must be exchanged sixty (60) days prior to Docket Call.
6. **JOINT PRETRIAL ORDER.** A Joint Pretrial Order in compliance with Local District Court Rule 16.4 shall be filed, served, and uploaded for Court entry seven (7) days prior to Docket Call. All counsel (or a pro se party) are responsible for preparing the Joint Pretrial Order, which shall contain the following: (a) a summary of the claims and defenses of each party; (b) a statement of stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matters which would aid in the disposition of the case; and (g) the signature of each attorney (or pro se party).
7. **EXHIBITS AND WITNESSES.** Each exhibit shall be marked with an exhibit label. Except for impeachment documents, all exhibits, along with a list of witnesses to be called, shall be exchanged with opposing counsel (or pro se party) fourteen (14) days prior to Docket Call. Each party shall also file a list of exhibits and witnesses fourteen (14) days prior to Docket Call. All exhibits not objected to in writing by Docket Call shall be admitted into evidence at trial without further proof, except for objections to relevance. Written objections to exhibits will be taken up either at the beginning or during the course of the actual trial or at any pretrial conference.
8. **WRITTEN PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.** Written proposed findings of fact and conclusions of law shall be filed seven (7) days prior to Docket Call. Trial briefs shall be filed addressing contested issues of law seven (7) days prior to Docket Call.

9. **DISPOSITIVE MOTIONS & EXPERT CHALLENGES.** Unless otherwise directed by the Presiding Judge, all dispositive motions must be heard no later fourteen (14) days prior to Docket Call. Accordingly, all dispositive motions must be filed no later than forty-five days prior to Docket Call, unless the Court modifies this deadline.
10. **RESPONSES TO DISPOSITIVE MOTIONS & EXPERT CHALLENGES.** The parties must file and serve any and all responses to any dispositive motions and expert challenges by this date.
11. **PRE-TRIAL CONFERENCE.** A pretrial conference shall be scheduled by the parties at least seven (7) calendar days prior to trial docket call in a complex adversary proceeding if the parties anticipate that trial will exceed one day or if there are preliminary matters that should be addressed by the Court prior to the commencement of trial. The conference must be attended by counsel who is familiar with the case and is authorized to state his or her party's position, make stipulations, and enter into agreements. At the time of the pretrial conference, the parties shall submit any Joint Pre-Trial Orders to the Court and all parties must be prepared to argue any disputed matters set forth in the dispositive motions, expert challenges.

IT IS FURTHER ORDERED that except as expressly stated to the contrary herein, all the terms of the *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [ECF 3] remain in full force and effect.

IT IS FURTHER ORDERED that changes to this Stipulation and Agreed Scheduling Order may only be made by further order of this Court. A motion to extend any deadline and/or alter any hearing date will only be granted for good cause shown.

End of Order

AGREED AS TO FORM:

/s/ Charles M. Rubio
Charles M. Rubio
Diamond McCarthy LLP
295 Madison Avenue
27th Floor
New York, NY 10017
Phone: (212) 430-5400
crubio@diamondmccarthy.com
Counsel to Kapitus Servicing Inc.

/s/ Behrooz P. Vida
Behrooz P. Vida
The Vida Law Firm, PLLC
3000 Central Drive
Bedford, Texas 76021
Tel: (817) 358-9977
Behrooz@vidalawfirm.com
Counsel to Dwayne Paul Bridges